

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

z4 TECHNOLOGIES, INC.

Plaintiff

vs.

**MICROSOFT CORPORATION,
AND AUTODESK, INC.**

Defendants

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CASE NO. 2:04-CV-335

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL

Before the Court is Defendants Microsoft Corporation ("Microsoft") and Autodesk, Inc.'s ("Autodesk")(collectively "Defendants") Motion to Compel Continuation of the Deposition of David Colvin ("Colvin") and the Production of Documents (Docket No. 54). Having considered the parties' written submissions, the Court **GRANTS** in part and **DENIES** in part the motion.

The Court **ORDERS** Plaintiff z4 Technologies, Inc. ("Plaintiff" or "z4") to make Colvin available for another deposition. This deposition is to be limited to the Rule 30(b)(6) topics that Defendants allege Colvin was unprepared for and to the three-thousand documents Plaintiff allegedly served on Defendants shortly before the original deposition.

The Court **ORDERS** Plaintiff to produce all documents relating to alleged conception, reduction to practice, and diligence in reduction to practice of the inventions-at-issue in the case, and to the preparation and prosecution of the patents-in-suit, to the extent any of those documents are being used to swear behind prior art. The Court adheres to a liberal discovery standard and expects parties to produce requested documents. Gamesmanship, whether it be in the form of over-broad redactions or overly burdensome document requests, is not tolerated by the Court.

With the above guidelines in mind, the Court fully expects the parties to cooperate and

compromise to resolve any remaining disputes relating to this motion.

So ORDERED and SIGNED this 23rd day of June, 2005.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE